

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In Re TERRORIST ATTACKS on
SEPTEMBER 11, 2001

03 MDL 1570 (RCC)
ECF Case

This document relates to:

Federal Ins. Co. v. Al Qaida, 03 CV 6978 (RCC)

NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that, pursuant to the Stipulation and Order endorsed by the Court on July 22, 2004, and upon the accompanying Memorandum of Law in Support of Motion to Dismiss of The National Commercial Bank (“NCB”), upon the Affidavit of Mitchell R. Berger dated August 26, 2004, upon all exhibits annexed thereto, and upon the First Amended Complaint filed in this action, NCB shall seek an order dismissing with prejudice all claims against it for lack of subject matter jurisdiction (FRCP 12(b)(1)), lack of personal jurisdiction (FRCP 12(b)(2)), and failure to state a claim upon which relief may be granted (FRCP 12(b)(6)).

Dated: August 30, 2004
Washington, D.C.

Respectfully submitted,

/s/ Ronald S. Liebman

Ronald S. Liebman (admitted *pro hac vice*)

Mitchell R. Berger (MB-4112)

Ugo Colella (admitted *pro hac vice*)

PATTON BOGGS LLP

2550 M Street, N.W.

Washington, D.C. 20037

Phone: 202-457-6000

Fax: 202-457-6315

Attorneys for Defendant

The National Commercial Bank